

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J K., et al.,

Plaintiffs,

v.

KENTFIELD SCHOOL DISTRICT,

Defendant.

Case No. [22-cv-04875-AGT](#)

**ORDER ON MOTIONS TO
BIFURCATE AND TO SUPPLEMENT
THE ADMINISTRATIVE RECORD**

Re: Dkt. Nos. 23, 25

Kentfield School District's motion to bifurcate is denied, without prejudice. The Court will set one case schedule, which will govern the IDEA claim and the discrimination claims. If multiple claims survive summary judgment, Kentfield may renew its motion to bifurcate before trial.

J.K.'s motion to supplement the administrative record is granted. The two expert reports J.K. seeks to add to the record include data on J.K.'s learning deficits postdating the administrative hearing. This post-hearing data isn't cumulative of other evidence in the record. Also, it is relevant. *See E.M. ex rel. E.M. v. Pajaro Valley Unified Sch. Dist.*, 652 F.3d 999, 1006 (9th Cir. 2011) (reasoning that if a post-hearing report shows that a student has "a legally significant discrepancy between ability and achievement," the report "may make it more likely that a legally significant discrepancy was present" when the hearing took place). The weight given to the reports remains to be determined, but the reports will be added to the record. If Kentfield wants to add its own evidence to the record, it will need to present its request in a noticed motion.

IT IS SO ORDERED.

Dated: March 1, 2023



Alex G. Tse
United States Magistrate Judge